

AMENDMENT TO
RULES COMMITTEE PRINT 117-54
OFFERED BY MS. JAYAPAL OF WASHINGTON

At the end of subtitle D of title VII, insert the following new section:

1 **SEC. 7__.** **REQUIREMENTS FOR NONEXCLUSIVE LICENS-**
2 **ING AND EVALUATION OF GOVERNMENT-**
3 **OWNED CONTRACTOR-OPERATED MANUFAC-**
4 **TURING OF CERTAIN DEPARTMENT OF DE-**
5 **FENSE INTERVENTIONS RELATING TO**
6 **COVID-19.**

7 (a) NONEXCLUSIVE LICENSE.—Subject to subsection
8 (b), for any Department of Defense-owned vaccine or
9 other medical intervention relating to COVID-19, includ-
10 ing such a Department of Defense-owned vaccine or other
11 medical intervention developed by the United States Wal-
12 ter Reed Army Institute for Research, that is approved,
13 licensed, or otherwise authorized for use in accordance
14 with applicable law, the Secretary of Defense—

15 (1) shall grant to a manufacturer a nonexclu-
16 sive license to manufacture such vaccine or other
17 intervention; and

1 (2) may, as determined appropriate by the Sec-
2 retary, grant a royalty-free right to manufacture
3 such vaccine or other intervention.

4 (b) REPORT ON EVALUATION OF GOVERNMENT-
5 OWNED CONTRACTOR-OPERATED MANUFACTURING.—The
6 Secretary of Defense may not grant a nonexclusive license
7 to manufacture a vaccine or other intervention specified
8 in subsection (a) until such time as the Secretary has sub-
9 mitted to the congressional defense committees a report
10 on the feasibility of a licensing approach under which the
11 Secretary would grant such licenses to Government-owned
12 contractor-operated manufacturers. Such report shall in-
13 clude—

14 (1) an evaluation of the estimated differences in
15 the pricing of, and equitable access to, such vaccines
16 and other interventions, that may arise as a result
17 of—

18 (A) the Secretary granting exclusive li-
19 censes to manufacture such vaccines and other
20 interventions, as compared with nonexclusive li-
21 censes; and

22 (B) the Secretary granting either such li-
23 censes to Government-owned contractor-oper-
24 ated manufacturers, as compared with other
25 manufacturers; and

1 (2) a certification that in carrying out actions
2 pursuant to subsection (a), the Secretary shall adopt
3 the licensing approach that the Secretary deter-
4 mines, taking into account the findings of such eval-
5 uation, provides the greatest feasibility, fair pricing,
6 and equitable access.

